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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,159	07/24/2003	Vinod Sharma	P-11275.00	9695
27581	7590	03/06/2007		
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			EXAMINER NGUYEN, QUANG	
			ART UNIT 1633	PAPER NUMBER

  

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



### DETAILED ACTION

Applicant's amendment filed on 12/12/06 was entered.

Amended claims 1-3, 6 and new claims 46-56 are pending in the present application.

On the basis of the amendment filed on 12/12/06, the following species restriction is required.

#### ***Species Election/Restrictions***

This application contains claims directed to the following patentably distinct species of a viral vector:

***A single specifically named viral vector recited in the Markush group of claims 47 and 53.***

The species are independent or distinct because each of the listed viral vector is structurally distinct and each has different properties one from the others.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claims 1, 46-47 and 51-53 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Art Unit: 1633

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (571) 272-0776.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Joseph T. Woitach, Ph.D., may be reached at (571) 272-0739.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1633; Central Fax No. (571) 273-8300.

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.**

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QUANG NGUYEN, PH.D.  
PRIMARY EXAMINER